

## **20A-3-105 Marking and depositing ballots.**

- (1)
  - (a) If a paper ballot is used, the voter, upon receipt of the ballot, shall go to a voting booth and prepare the voter's ballot by marking the appropriate position with a mark opposite the name of each candidate of the voter's choice for each office to be filled.
  - (b) A mark is not required opposite the name of a write-in candidate.
  - (c) If a ballot proposition is submitted to a vote of the people, the voter shall mark in the appropriate square with a mark opposite the answer the voter intends to make.
  - (d) Before leaving the booth, the voter shall:
    - (i) fold the ballot so that its contents are concealed and the stub can be removed; and
    - (ii) if the ballot is a provisional ballot, place the ballot in the provisional ballot envelope and complete the information printed on the envelope.
- (2)
  - (a)
    - (i) If a punch card ballot is used, the voter shall insert the ballot sheet into the voting device and mark the ballot sheet according to the instructions provided on the device.
    - (ii) If the voter is issued a ballot sheet with a long stub without a secrecy envelope, the voter shall record any write-in votes on the long stub.
    - (iii) If the voter is issued a ballot sheet with a secrecy envelope, the voter shall record any write-in votes on the secrecy envelope.
  - (b) After the voter has marked the ballot sheet, the voter shall either:
    - (i) place the ballot sheet inside the secrecy envelope, if one is provided; or
    - (ii) fold the long stub over the face of the ballot sheet to maintain the secrecy of the vote if the voter is issued a ballot sheet with a long stub without a secrecy envelope.
  - (c) If the ballot is a provisional ballot, the voter shall place the ballot sheet in the provisional ballot envelope and complete the information printed on the envelope.
- (3)
  - (a) If a ballot sheet other than a punch card is used, the voter shall mark the ballot sheet according to the instructions provided on the voting device or ballot sheet.
  - (b) The voter shall record a write-in vote by:
    - (i) marking the position opposite the area for entering a write-in candidate; and
    - (ii) entering the name of the valid write-in candidate for whom the voter wishes to vote for by means of:
      - (A) writing;
      - (B) a label; or
      - (C) entering the name using the voting device.
  - (c) If the ballot is a provisional ballot, the voter shall place the ballot sheet in the provisional ballot envelope and complete the information printed on the envelope.
- (4)
  - (a) If an electronic ballot is used, the voter shall:
    - (i) insert the ballot access card into the voting device; and
    - (ii) make the selections according to the instructions provided on the device.
  - (b) The voter shall record a write-in vote by:
    - (i) marking the appropriate position opposite the area for entering a write-in candidate; and
    - (ii) using the voting device to enter the name of the valid write-in candidate for whom the voter wishes to vote.
- (5) After preparation of the ballot:
  - (a) if a paper ballot or punch card ballot is used:

- (i) the voter shall:
  - (A) leave the voting booth; and
  - (B) announce his name to the poll worker in charge of the ballot box;
- (ii) the poll worker in charge of the ballot box shall:
  - (A) clearly and audibly announce the name of the voter and the number on the stub of the voter's ballot;
  - (B) if the stub number on the ballot corresponds with the number previously recorded in the official register, and bears the initials of the poll worker, remove the stub from the ballot; and
  - (C) return the ballot to the voter;
- (iii) the voter shall, in full view of the poll workers, cast his vote by depositing the ballot in the ballot box; and
- (iv) if the stub has been detached from the ballot:
  - (A) the poll worker may not accept the ballot; and
  - (B) the poll worker shall:
    - (I) treat the ballot as a spoiled ballot;
    - (II) provide the voter with a new ballot; and
    - (III) dispose of the spoiled ballot as provided in Section 20A-3-107;
- (b) if a ballot sheet other than a punch card is used:
  - (i) the voter shall:
    - (A) leave the voting booth; and
    - (B) announce his name to the poll worker in charge of the ballot box;
  - (ii) the poll worker in charge of the ballot box shall:
    - (A) clearly and audibly announce the name of the voter and the number on the stub of the voter's ballot; and
    - (B) if the stub number on the ballot corresponds with the number previously recorded in the official register, and bears the initials of the poll worker, return the ballot to the voter; and
  - (iii) the voter shall, in full view of the poll workers, cast his vote by depositing the ballot in the ballot box; and
- (c) if an electronic ballot is used, the voter shall:
  - (i) cast the voter's ballot;
  - (ii) remove the ballot access card from the voting device; and
  - (iii) return the ballot access card to a designated poll worker.
- (6) A voter voting a paper ballot in a regular primary election shall, after marking the ballot:
  - (a)
    - (i) if the ballot is designed so that the names of all candidates for all political parties are on the same ballot, detach the part of the paper ballot containing the names of the candidates of the party he has voted from the remainder of the paper ballot;
    - (ii) fold that portion of the paper ballot so that its face is concealed; and
    - (iii) deposit it in the ballot box; and
  - (b)
    - (i) fold the remainder of the paper ballot, containing the names of the candidates of the parties that the elector did not vote; and
    - (ii) deposit it in a separate ballot box that is marked and designated as a blank ballot box.
- (7)
  - (a) Each voter shall mark and cast or deposit the ballot without delay and shall leave the voting area after voting.
  - (b) A voter may not:

- (i) occupy a voting booth occupied by another, except as provided in Section 20A-3-108;
  - (ii) remain within the voting area more than 10 minutes; or
  - (iii) occupy a voting booth for more than five minutes if all booths are in use and other voters are waiting to occupy them.
- (8) If the official register shows any voter as having voted, that voter may not reenter the voting area during that election unless that voter is an election official or watcher.
- (9) The poll workers may not allow more than four voters more than the number of voting booths into the voting area at one time unless those excess voters are:
- (a) election officials;
  - (b) watchers; or
  - (c) assisting voters with a disability.

Amended by Chapter 75, 2007 General Session